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USCA DOCKET # (IF KNOWN)

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
CIVIL APPEALS DOCKETING STATEMENT

PLEASE ATTACH ADDITIONAL PAGES IF NECESSARY.

TITLE IN FULL: THE FACEBOOK, INC. and MARK ZUCKERBERG, Plaintiffs, vs. CONNECTU, INC. (formerly known as CONNECTU, LLC), PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, and WAYNE CHANG, Defendants.	DISTRICT: Northern District of California JUDGE: Honorable James Ware DISTRICT COURT NUMBER: 5:07-cv-01389 JW DATE NOTICE OF APPEAL FILED: 7/30/08 IF THIS MATTER HAS BEEN BEFORE THIS COURT PREVIOUSLY, PLEASE PROVIDE THE DOC KET NUMBER AND CITATION (IF ANY):	IS THIS A CROSS-APPEAL? YES ☐

BRIEF DESCRIPTION OF NATURE OF ACTION AND RESULT BELOW:
District Court granted judgment enforcing a purported settlement agreement. Defendants-appellants dispute the enforceability of that purported agreement.

PRINCIPAL ISSUES PROPOSED TO BE RAISED ON APPEAL:
1) Whether the District Court erred in summarily enforcing a purported settlement agreement without holding an evidentiary hearing notwithstanding disputed issues of fact as to whether the parties agreed to all material terms.

2) Whether the District Court erred in refusing to void a purported settlement agreement under Section 29(b) of the Securities Exchange Act of 1934, 15 U.S.C. §78cc(b), because it was procured through securities fraud.

Appellants reserve the right to appeal additional issues, including but not limited to evidentiary rulings.

PLEASE IDENTIFY ANY OTHER LEGAL PROCEEDING THAT MAY HAVE A BEARING ON THIS CASE (INCLUDE PENDING DISTRICT COURT POSTJUDGMENT MOTIONS):

Motion to Stay Judgment in the District Court.

DOES THIS APPEAL INVOLVE ANY OF THE FOLLOWING:

☐ Possibility of settlement

☐ Likelihood that intervening precedent will control outcome of appeal

☑ Likelihood of a motion to expedite or to stay the appeal, or other procedural matters (Specify):

Motion to Expedite Appeal; Motion to Stay Judgment, if stay is denied by District Court.

☐ Any other information relevant to the inclusion of this case in the Mediation Program

Possibility parties would stipulate to binding award by Appellate Commissioner in lieu of submission to judges ☐

LOWER COURT INFORMATION

Dockets.Justia.com

JURISDICTION		DISTRICT COURT DISPOSITION	
FEDERAL	APPELLATE	TYPE OF JUDGMENT/ORDER APPEALED	RELIEF
☑ FEDERAL QUESTION ☑ DIVERSITY ☐ OTHER (SPECIFY):	☑ FINAL DECISION OF DISTRICT COURT ☐ INTERLOCUTORY DECISION APPEALABLE AS OF RIGHT ☐ INTERLOCUTORY ORDER CERTIFIED BY DISTRICT JUDGE (SPECIFY): ☐ OTHER (SPECIFY):	☐ DEFAULT JUDGMENT ☐ DISMISSAL/JURISDICTION ☐ DISMISSAL/MERITS ☐ SUMMARY JUDGMENT ☑ JUDGMENT/COURT DECISION ☐ JUDGMENT/JURY VERDICT ☐ DECLARATORY JUDGMENT ☐ JUDGMENT AS A MATTER OF LAW ☐ OTHER (SPECIFY):	☐ DAMAGES: SOUGHT $____ AWARDED $____ ☑ INJUNCTIONS: ☐ PRELIMINARY ☑ PERMANENT ☑ GRANTED ☐ DENIED ☐ ATTORNEY FEES: SOUGHT $____ AWARDED $____ ☐ PENDING ☐ COSTS: $____

CERTIFICATION OF COUNSEL

I CERTIFY THAT:

1. COPIES OF ORDER/JUDGMENT APPEALED FROM ARE ATTACHED.
2. A CURRENT SERVICE LIST OR REPRESENTATION STATEMENT WITH TELEPHONE AND FAX NUMBERS IS ATTACHED (SEE 9TH CIR. RULE 3-2).
3. A COPY OF THIS CIVIL APPEALS DOCKETING STATEMENT WAS SERVED IN COMPLIANCE WITH FRAP 25.
4. I UNDERSTAND THAT FAILURE TO COMPLY WITH THESE FILING REQUIREMENTS MAY RESULT IN SANCTIONS, INCLUDING DISMISSAL OF THIS APPEAL

[signature] Signature

July 31, 2008 Date

COUNSEL WHO COMPLETED THIS FORM

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THIS DOCUMENT SHOULD BE FILED IN THE DISTRICT COURT WITH THE NOTICE OF APPEAL
IF FILED LATE, IT SHOULD BE FILED DIRECTLY WITH THE U.S. COURT OF APPEALS